

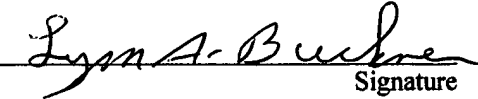


06-16-09

Law

TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as priority mail in an envelope with sufficient postage and addressed to Commissioner of Patents P.O. BOX 1450, ALEXANDER, Va. 22313 on 15 June 2009.  
EXPRESS MAIL # EH 187467145

  
Signature

Applicant : Buckner, Lynn A.  
Application No. : 10/624,868  
Filed : 22 July 2003  
Title : Air over water Excavation

**Response to the 18 May 2009 Office communication concerning proceeding**

Assistant Commissioner for Patents  
Washington, D.C. 20231

LYNN A. BUCKNER  
Post Office Box 609  
Chickamauga, GA 30707

**Commissioner:**

The 18 May 2009 office communication asserted that the amendment document filed on 6 Feb 2009 was not under lined and deleted text did not have brackets placed around it.

Below please find a copy of the amendment document filed on 6 Feb. 2009. The marked up copy has the added text underlined and deleted material placed within brackets. A clean copy was also placed at the end. The clean copy is not marked up.

**COPY of the 6 Feb 2009 Amendment below:**

This is an amended replacement of the previously filed Response to Examiners request for Election / Restriction requirements.

In response to the Examiners Election/Restriction requirement, Applicant elects claims 23-33 as amended without traverse. Claims 34-38 have been added.

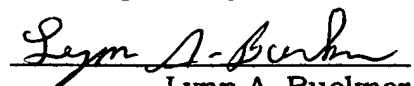
In response to the Examiners Election of species requirement, Applicant elects Species I, Fig. 1. Applicant identifies claims 23-38 as being readable thereon.

In the Claims, please amend the above-identified application as follows: Claims 1-22 have been cancelled. Claims 23-33 are currently amended. Claims 34-38 are new.

Please amend claims 23- 33 as follows in the attachment below.  
A clean copy is also attached.

It is believe that the claims are now in a condition of allowance.

Respectfully submitted,

  
Lynn A. Buckner  
423-413-7823